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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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11
12 **UNITED STATES OF AMERICA,** **NO. C98-3891 M**

13 Plaintiff,

14 v.

15 **CHARLES PRESCOTT aka**
CHARLES E. PRESCOTT ,

STIPULATED ORDER OF
CONTINUING GARNISHMENT

16 Defendant,

17 and

18 **HOME DEPOT, INC.,,**

19 Garnishee. _____ /
20 _____

21 IT IS HEREBY STIPULATED by and between Judgment Creditor, United States of
22 America, and Judgment Debtor, CHARLES PRESCOTT aka CHARLES E. PRESCOTT, that
23 garnishee, HOME DEPOT, INC., withhold \$125.00 each month from Judgment Debtor's non-
24 exempt disposable income, commencing with the February, 2012, pay period, and continuing
25 through the January, 2013, pay period, where after HOME DEPOT, INC., shall withhold 25%
26 each month from Judgment Debtor's non-exempt disposable income until the entire current
27 judgment principal, last compounded on January 5, 2012, in the amount of \$8,435.80, (original
28 judgment in the amount of \$4,783.90 entered January 5, 1999) plus interest compounded

1 annually pursuant to 11 USC §1961(b) at the rate of 4.513 % per annum on said current
2 judgment principal, for total interest through and including February 10, 2012, in the amount
3 of \$37.45, for a total due of principal, interest, costs and attorney fees as of February 10,
4 2012, in the amount of \$8,513.25, has been paid in full or until the garnishee no longer has
5 custody, possession or control of any property belonging to the debtor or until further Order
6 of this court.

7 IT IS HEREBY FURTHER STIPULATED that HOME DEPOT, INC., Garnishee,
8 immediately remit to the United States Department of Justice the above mentioned payments
9 as and for the month of February, 2012, and as and for each month thereafter.

10 IT IS HEREBY FURTHER STIPULATED that said payments be made payable to the
11 U.S. Department of Justice, and be mailed to the Department of Justice-NCIF, P.O. Box
12 790363, St. Louis, MO 63179-0363, referencing the Judgment Debtor's name and CDCS
13 Claim number **1998B11972** on each check for posting purposes.

14 IT IS HEREBY FURTHER STIPULATED that Judgment Debtor, upon request by mail
15 from Judgment Creditor to Judgment Debtor, shall submit a financial statement to Judgment
16 Creditor annually, the form of which shall be mailed to Judgment Debtor by Judgment Creditor;
17 thereafter, at Judgment Creditor's sole discretion, Judgment Creditor will establish a monthly
18 garnishment payment amount for Judgment Debtor to pay, not to exceed 25% each month
19 from Judgment Debtor's non-exempt disposable income.

20 IT IS HEREBY FURTHER STIPULATED that in accordance with the provisions of Title
21 28 U.S.C. Section 636(c) the parties hereby voluntarily waive their rights to proceed before a
22 judge of the United States District Court and consent to have a United States magistrate judge
23 conduct any and all further proceedings in the case. It is understood that any appeal from an
24 order entered by a magistrate judge will be taken directly to the Ninth Circuit of the United
25 States Court of Appeals in the same manner as an appeal from any other judgment of a District
26 Court.

27 By his signature hereafter, CHARLES PRESCOTT aka CHARLES E. PRESCOTT
28 acknowledges that he has read, understands and waives all of his rights under the CLERK'S

1 NOTICE OF POST-JUDGMENT GARNISHMENT AND INSTRUCTIONS TO DEFENDANT;
2 REQUEST FOR HEARING FORM; OBJECTION TO GARNISHEE'S ANSWER AND
3 REQUEST FOR HEARING FORM; NOTICE ON HOW TO CLAIM EXEMPTION; CLAIM FOR
4 EXEMPTION FORM and the WRIT OF CONTINUING GARNISHMENT and the
5 APPLICATION FOR WRIT OF CONTINUING GARNISHMENT in exchange for the herein
6 payment stipulation.

7 Dated: February 10, 2012


Michael Cosentino, Counsel for United States

9 Dated: February 10, 2012


CHARLES PRESCOTT aka CHARLES E. PRESCOTT

11 IT IS SO ORDERED.

13 Dated:


UNITED STATES MAGISTRATE JUDGE